

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 29 MAR 2005  
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Applicant's or agent's file reference <b>PCT-0310-10</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/KR2003/002246</b>	International filing date (day/month/year) <b>23 OCTOBER 2003 (23.10.2003)</b>	Priority date (day/month/year) <b>24 OCTOBER 2002 (24.10.2002)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC7 A01N 55/00</b>		
Applicant <b>BICBIO CO., LTD et al</b>		

<ol style="list-style-type: none"> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> <li>This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.           <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> </li> </ol> <p>These annexes consist of a total of _____ sheets.</p>
<ol style="list-style-type: none"> <li>This report contains indications relating to the following items:           <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul> </li> </ol>

Date of submission of the demand <b>31 OCTOBER 2003 (31.10.2003)</b>	Date of completion of this report <b>08 MARCH 2005 (08.03.2005)</b>
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/KR2003/002246

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

the international application as originally filed

the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the drawings:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: \_\_\_\_\_ which is

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets \_\_\_\_\_

## 5.

This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

**INTERNATIONAL PRELIMINARY EXAMINATION**

International application No.

PCT/KR2003/002246

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	2, 3	YES
	Claims	1, 4-9	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

**2. Citations and explanations (Rule 70.7)****1. Reference is made to the following document:**

D1 : KR 2001-89155 (29 Sep. 2001)

**2. Novelty and Inventive step**

The present invention relates to the agents for regulating gametophytic self-incompatibility which inhibit a style-specific S RNase promoting gametophytic self-incompatibility. The agents provide the chemical formula  $MLn.yX.wH_2O$  as defined in claim 1, where M represents cation of either copper or zinc, L is a chelate or complex forming moiety and X represents an anionic moiety.

Claims 1 and 4-9 lack novelty under PCT Article 33(2) as being anticipated by D1. D1 discloses the composition regulating gametophytic self-incompatibility by inhibiting style-specific RNase activity. It further teaches that a metal sulfate compound is a useful composition for such purposes, wherein preferred metal ions can be selected from the cations of copper, magnesium, zinc or manganese. Thus, the composition wherein n=0, w=0 and X=SO<sub>4</sub> in claims 1 and 4-9 are disclosed in D1.

Claims 1-9 lack an inventive step under PCT Article 33(3) as being obvious over D1. Although the claims 1-9 of the present application have an additional component L(chelate or complex forming moiety) compared with D1, L is believed to contribute to binding metal to anionic ion rather than promoting the RNase inhibititon activity.

**3. Industrial Applicability**

The subject matter in claims 1-9 meets the requirement for industrial applicability set out in PCT Article 33(4).